

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

W. Antoni Kudlicki
Matthew M. Winkler
Brittan L. Pasloske

Serial No.: 09/669,301

Filed: September 25, 2000

For: NUCLEASE INHIBITOR COCKTAIL

Group Art Unit: 1645

Examiner: Unknown

Atty. Dkt. No.: AMBI:052US/DLD



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: AMBION, INC.
ADDRESS OF SMALL BUSINESS CONCERN: 2130 Woodward Street, #200
Austin, Texas 78744-1832

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern

which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME: _____

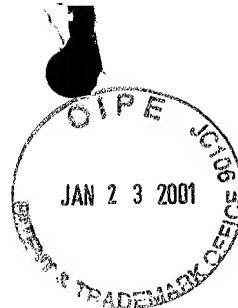
ADDRESS: _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: Bruce Leander DATE: 18 January 2001
Name: Bruce Leander
Title: President



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AMBI:052US

D E C L A R A T I O N

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NUCLEASE INHIBITOR COCKTAIL**, the Specification of which:



I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

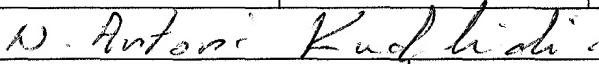
I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

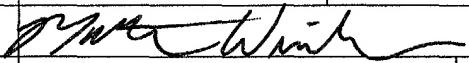
| PRIORITY APPLICATION(S) | | | Priority Claimed |
|--------------------------------|------------------|------------------------------------|-------------------------|
| 60/155,874 (Number) | USA (Country) | September 24, 2000 (Date Filed) | Yes |
| (Number) | (Country) | (Date Filed) | Yes/No |

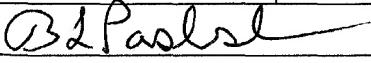
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: None.

I hereby direct that all correspondence and telephone calls be addressed to Debra L. Dennett, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

| | | | |
|--|--|--------------|----------|
| Inventor's Full Name: | W. | Antoni | Kudlicki |
| Inventor's Signature: |  | | |
| Country of Citizenship: | USA | Date: 1-9-01 | |
| Residence Address: (street, number, city, state, and/or country) | 4908 Craig Dr. Austin, Texas 78727 | | |
| Post Office Address: (if different from above) | | | |

| | | | |
|--|---|----------------|---------|
| Inventor's Full Name: | Matthew | M. | Winkler |
| Inventor's Signature: |  | | |
| Country of Citizenship: | USA | Date: 12-27-00 | |
| Residence Address: (street, number, city, state, and/or country) | 960 Live Oak Circle Austin, Texas 78746 | | |
| Post Office Address: (if different from above) | | | |

| | | | |
|--|---|--------------|----------|
| Inventor's Full Name: | Brittan | L. | Pastoske |
| Inventor's Signature: |  | | |
| Country of Citizenship: | Canada | Date: 1-9-01 | |
| Residence Address: (street, number, city, state, and/or country) | 501 Cater Dr. Austin, Texas 78704 | | |
| Post Office Address: (if different from above) | | | |

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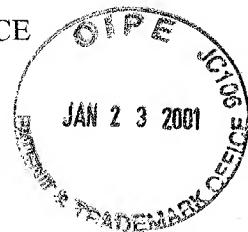
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ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; David D. Bahler, Reg. No. 30,932; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; Stephen D. Dellett, Reg. No. 32,564; William G. Barber, Reg. No. 33,154; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Steven L. Highlander, Reg. No. 37,642; John J. Bruckner, Reg. No. 35,816; Erik R. Nordstrom, Reg. No. 39,792; Teresa J. Schultz, Reg. No. 40,526; Stephen P. Meleen, Reg. No. 40,724; Robert E. Hanson, Reg. No. 42,628; Nicole W. Stafford, Reg. No. 43,929; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; Gina N. Shishima, Reg. No. 45,104; Stephen M. Hash, Reg. No. 45,490; Debra L. Dennett, Reg. No. 46,370; and Matthew Bellinger, Reg. No. 46,547;

each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to AMBION, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Debra L. Dennett
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
AMBION, INC.

By: Bruce Leander
Name: Bruce Leander
Title: President

Date: 18 January 2001

ASSIGNMENT:

- Concurrently filed
 Previously recorded
Date: _____
Reel: _____
Frames: _____